

Notice of Allowability

Application No.

10/789,578

Examiner

Dmitry Suhol

Applicant(s)

KIRBY, CANDY J.

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- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☒ The drawings filed on 01 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 3/1/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date ____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____


DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

EXAMINER'S AMENDMENT

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: The specific limitations of (with respect to claim 1) "...a housing having a longitudinal axis and oppositely spaced edge portions extending parallel thereto and at an oblique angle thereto respectively along a length of said housing, said housing further having oppositely spaced end portions integral with said edge portions and extending substantially orthogonal to the axis, said housing further having substantially planar top and bottom surfaces having respective openings formed therein and extending substantially parallel to the axis, said housing further having a slot formed generally medially between said top and bottom surfaces and extending along a length of said housing; and a plurality of colored films selectively positionable into the slot and for assisting a user to differentiate a group of words in a line from a remainder of words in other lines by positioning said apparatus on the line and centering the openings therealong", (with respect to claim 6) "...a housing having a longitudinal axis and oppositely spaced edge portions extending parallel thereto and at an oblique angle thereto respectively along a length of said housing, said housing further having oppositely spaced end portions integral with said edge portions and extending substantially orthogonal to the axis, said housing further having substantially planar top and bottom surfaces having respective openings formed therein and extending substantially parallel to the axis, said housing further having a slot formed generally

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medially between said top and bottom surfaces and extending along a length of said housing; and a plurality of colored films formed from plastic and being selectively positionable into the slot and for assisting a user to differentiate a group of words in a line from a remainder of words in other lines by positioning said apparatus on the line and centering the openings therealong” and (with respect to claim 10) “...a housing having a longitudinal axis and oppositely spaced edge portions extending parallel thereto and at an oblique angle thereto respectively along a length of said housing, said housing further having oppositely spaced end portions integral with said edge portions and extending substantially orthogonal to the axis, said housing further having substantially planar top and bottom surfaces having respective openings formed therein and extending substantially parallel to the axis, said housing further having a slot formed generally medially between said top and bottom surfaces and extending along a length of said housing, said housing further having a notch formed at one said end portion thereof and for assisting a user to removably insert said plurality of colored films into the slot respectively; and a plurality of colored films formed from plastic and being selectively positionable into the slot and for assisting a user to differentiate a group of words in a line from a remainder of words in other lines by positioning said apparatus on the line and centering the openings therealong” are not anticipated or made obvious over the prior art of record in the examiners opinion. For example, Gabay '635 discloses an apparatus for helping a person read which teaches a rectangular housing (figures 1 and 2) with a slot (11) and a colored film (9) positionable within the slot. However prior art of record fails to teach the housing with the structural features as claimed and prior

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art of record fails to teach the use of a plurality of colored films as claimed. Furthermore, changing the shape of the housing of Gabay would not have been obvious since Gabay uses two shutter parts (4a and 4b) and the modification of the housing would render the Gabay device inoperative as intended due to the positioning of the respective shutter parts.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

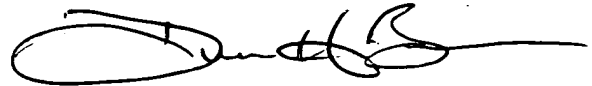
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Suhol whose telephone number is 703-305-0085. The examiner can normally be reached on Mon - Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 703-308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Derris H. Banks', with a large, stylized initial 'D' and a long horizontal stroke extending to the right.

DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
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